

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

KATTIE GRAHAM, on behalf of A.M.

PLAINTIFF

V.

CAUSE NO. 3:17-CV-634-CWR-RHW

**NANCY A. BERRYHILL, Commissioner of
Social Security**

DEFENDANT

ORDER

The Magistrate Judge has issued a Report and Recommendation (R&R) proposing to dismiss this Social Security appeal as untimely. In response, plaintiff Kattie Graham argues that the 60-day deadline was unclear because the Social Security Administration's letter did not specify whether she had 60 **calendar** days or 60 **business** days to file this suit.

Under Federal Rule of Civil Procedure 6(a), whenever a statute sets a deadline in days but "does not specify a method of computing time," parties must "count every day, including intermediate Saturdays, Sundays, and legal holidays." This means Graham had 60 **calendar** days to file suit. The Magistrate Judge was therefore correct that this action was too late.

Accordingly, the R&R is adopted as this Court's own order, and this case is dismissed. A separate Final Judgment shall issue.

SO ORDERED, this the 24th day of July, 2018.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE